

DAVID BURCHARD
CHAPTER 13 TRUSTEE
P.O. BOX 8059
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
ERNESTO TELLEZ, SR. and DOLORES
MARINA TELLEZ
2515 TURNBERRY DR.
SOUTH SAN FRANCISCO, CA 94080

###-##-9311 ###-##-8533
Debtor(s).

Case No.: 10-3-2488 SFM13
Chapter 13

OBJECTION TO CONFIRMATION, WITH A
MOTION TO DISMISS, OF THE CHAPTER 13
PLAN, BY DAVID BURCHARD, CHAPTER 13
TRUSTEE AND NOTICE

341 MEETING OF CREDITORS:

Date: 08/05/2010
Time: 11:00 AM
Place: Office of the United States Trustee
235 Pine Street, Suite 850
San Francisco, California

CONFIRMATION HEARING:

Date: 09/08/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
235 Pine Street 22nd Floor
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. The Trustee is in receipt of Debtors' Chapter 13 Plan, which was filed after the Notice of Bankruptcy was filed, and therefore, was not served on all creditors as notice of this bankruptcy filing had already been served. The Trustee requests Debtor serve a copy of this plan to all creditors and file a certificate of service evidencing said service.
2. Schedule J lists an auto installment payment of \$107.00 per month. The Trustee must be the disbursing agent on all pre-petition obligations with the exception of ongoing mortgage payments and leased vehicle payments. Additionally, this debt has been omitted from the schedules of debts and the plan. Trustee requests an amended Schedule D, amended Schedule J and an amended plan.
3. Schedule F lists Bac Home Loans and Toyota Motor Credit with claim amounts of "Unknown." Trustee requests an amended Schedule F, which lists an approximate dollar amount owed to said creditors.
4. Schedule F lists Visa without an address. Trustee requests an amended Schedule F, which provides an address for said creditor, along with verification that said creditor has been properly served.
5. Schedule B lists "Local SEIU 87 Pension" with a value of "Unknown." Trustee requests an amended Schedule B, which assigns a value to said asset.

6. Schedule I indicates income of \$1,065.00 from real property. This income is not listed on Debtors' B22C. Trustee requests clarification and or the appropriate documents are amended in order that they are accurate and consistent.
7. Trustee's copy of Debtors' petition does not contain an Application for Approval of Attorney Fees. Trustee requests a copy of this document as filed with the court.
8. Trustee requests Debtors provide the appropriate declarations that details Debtors income for the six months prior to the filing of the bankruptcy.
9. Trustee requests a signed copy of Debtors' 2009 Federal income Tax Return to be received no later than four business days prior to the date of the first scheduled Meeting of Creditors.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: July 26, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, TINA MITCHELL, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

ERNESTO TELLEZ, SR. and DOLORES MARINA
TELLEZ
2515 TURNBERRY DR.
SOUTH SAN FRANCISCO, CA 94080

BRADFORD HODACH
LAW OFFICES OF BRADFORD HODACH
1212 BROADWAY #706
OAKLAND, CA 94612-0000

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: July 26, 2010

TINA MITCHELL

TINA MITCHELL